

So at this point, I would object just saying I am not in a position because I am not going to speak for the ranking member of the Foreign Relations Committee, who voted unanimously in opposition to this nomination.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Hampshire.

Mrs. SHAHEEN. Will my colleague yield for a question?

Mr. LANKFORD. Absolutely.

Mrs. SHAHEEN. I think, perhaps, I wasn't clear. I didn't talk about Dr. Gupta's position on reproductive rights for women. I talked about the role of the Office of Global Women's Issues.

When I supported Kelley Currie, who was nominated by President Trump to be the head of the Office of Global Women's Issues, I didn't ask what her position was on choice; I asked her what she was going to do if she took that role. And she had an excellent history of working on issues that matter to women and foreign policy, and because that is not the Agency that is charged with women's reproductive health in our government, I didn't think that should be the basis on which I judged whether she was the appropriate person to take over that role.

And, sadly, what seems to have happened is that because Dr. Gupta personally says she is pro-choice, all of the anti-choice organizations have made her nomination an issue.

So I would ask my colleague: Have you sat down with Dr. Gupta? Have you asked her what she would do in her role if she is approved to be the head of Global Women's Issues and whether that was something that she was going to talk about or work on?

Mr. LANKFORD. If I may respond to my colleague as well.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Have I engaged in a colloquy, in a conversation? Actually, I have not. The members of the Senate Foreign Relations Committee, as you serve faithfully in that role—that is not a committee I serve on, but I do know that all the Republican members of the committee have had the opportunity to be able to sit down with her personally and to be able to go through all of those notes.

I know how she came through the committee without any Republican support at all, and I know the different statements that have been put up—one by Planned Parenthood, a very strong statement in support of her specifically on the issue of women's reproductive rights.

That seems to say, at least somebody is saying this role is going to take on that issue. But that is not a committee that I currently serve on, but I do know those well who do.

Mrs. SHAHEEN. I would just say to my colleague, having sat through those hearings, which my recollection is only one or two Republicans on the committee showed up and that most of the people who I talked to had not actually

talked to Dr. Gupta, didn't actually know what the Office of Global Women's Issues does. And it is very disappointing that they are going to make a decision based on a press release from Planned Parenthood as opposed to looking at what she would actually do in that role and the responsibilities of that office.

So I am—you know, you guys think that every time you see "women" in a title, as I said, we are talking about reproductive rights. That is not the case. There is a lot that women do besides having babies.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Madam President, I would affirm, again, as a husband and as a dad of two daughters and as someone who is very passionate about global women's issues as well, I am fully aware that women do a lot more than have babies—regardless of Health and Human Services currently using the term "birthing people" and "menstruating persons," which, again, I find offensive in the process as well—that this is a group of people, half the population of the Earth, that has made tremendous contributions, including my own wife and my own family.

I would just simply ask the question: This is not a nominee that we are going to give unanimous support to, but I am unsure why the Democratic leader has not scheduled this vote now for months on the floor when there have been months that we have been in session but it has yet to be scheduled for a vote.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Madam President, I said I was rising for multiple purposes. It is now my third purpose, but I would seek consent to speak—I know we have a vote call at 5—for about 5 minutes on legislation being contemplated tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. KAINE. Madam President, we are currently in consideration of the National Defense Authorization Act, and the leadership is working out a timing agreement for a vote possibly on one or more amendments and then a vote on the NDAA.

The Defense bill is the most important thing I work on every year as a member of the Armed Services Committee, and I think the Defense bill that our Armed Services Committee did with strong bipartisan support is a very strong one. The timing isn't to my liking, that it took so long to reach an agreement with the House. But it is what it is. The Defense bill is strong.

We are likely to have a vote on an amendment tomorrow offered by my friend and colleague JOE MANCHIN dealing with permitting reform, and I wanted to stand on the floor to express my objection not to the topic and even not to much of the substance but to

one particular provision that I think is horrible policy and I think will cause me to oppose the amendment.

Do we need to do permitting reform to accelerate infrastructure in this country? We do. We do. Many of the permitting reform rules—FERC, for example—are decades old, and they haven't kept up with new technologies or new needs of our population. I am strongly of the belief that we should do permitting reform, and I have introduced my own bills going back years to make at least that permitting process work better.

The amendment that we are going to be voting on tomorrow, at least as I have been told—I haven't seen the language, but I have been told it is very similar to an amendment that was offered in September. It is an 88-page permitting reform bill. Eighty-five pages are permitting reform; the last three pages are the opposite of permitting reform.

What do I mean by that? Eighty-five pages of the bill go deeply into permitting for infrastructure, especially energy infrastructure, and propose a whole series of reforms, many of which I strongly support.

Although I had no hand in the drafting of that bill and I think I could improve it if I was involved, I would give that bill a good solid B or B-plus, and I would have no trouble voting for it as an amendment to the Defense bill or a stand-alone bill.

However, the last three pages of the bill take a particular single project—100 miles of which is in Virginia—called the Mountain Valley Pipeline and exempts it from permitting reform. It, essentially, says this 85-page reform that sets up how a project should be considered and approved by administrative agencies and then reviewed by the judiciary if there are complaints about it—that is what the 85 pages does, but then the last three pages says the Mountain Valley Pipeline should be exempt from all of that, should get an administrative green light. And, in a provision that I find to be both unprecedented and really troubling, it suggests that if individuals want to seek judicial review of Mountain Valley Pipeline, the current jurisdiction in the Federal code which would suggest that that suit would be heard in the Fourth Judicial Circuit, which includes Virginia, the case about one project, the Mountain Valley Pipeline, will be stripped away from the court where it is currently being litigated and all future litigation must happen in the DC circuit.

Now, never in the history of this body has Congress gone into the middle of a case and, because a corporation was not happy with the rulings of the court, stripped the case away from that court and given it to another court. And I have verified that through my own staff in research since this provision came up in September: stripping a case away from a court.

Now, this is my hometown court. It is headquartered in Richmond. The

chief judge is somebody that I used to try cases against when I was a civil rights lawyer before I got into politics. He is an esteemed jurist.

Yes, the Fourth Circuit has rendered some rulings in this case that the pipeline operator doesn't like. I used to lose cases in the Fourth Circuit. I wasn't always happy with them. But the people that I represented—if you lose a case, you appeal; you don't rewrite the Federal jurisdictional code to say this court can no longer hear the case, in the middle of the case.

If we go down this path on this project, I can see it opening a door we will not want to open, a door that could even lead to corruption: I am a wealthy, powerful corporation; I don't like the way the Second Circuit is ruling on derivative shareholder suits. Maybe I can strip jurisdiction away from them. I don't like the way the Ninth Circuit is ruling on employment discrimination cases. Maybe I could strip jurisdiction away from them.

I get it that a big company is not happy because they have lost a case. Fifty percent of our litigants are unhappy. Someone wins and somebody loses, but the solution is not to take jurisdiction away from the court that is hearing the case and give it to another court. That is not the solution. The solution is to improve the permitting process.

There are two elements of the first 85 pages of the bill that actually help Mountain Valley Pipeline. One element would be, in the first 85 pages, that President Biden—the President, in the bill, is allowed to designate 15 projects of national significance and then expedite them. That is in the first 85 pages. And if President Biden decided the Mountain Valley Pipeline was so important to make that top 15 list, that permitting reform could help the Mountain Valley Pipeline.

And, second, there is a provision in the first 85 pages that would require that on matters that come up again and again and again, the panels on circuit courts have to rotate and randomly assign and not keep the same panel. That would solve one of Mountain Valley Pipeline's professed concerns.

So because I haven't seen the language yet, it may not still be final, and I would urge those pushing it: Do permitting reform, but don't exempt a project in my State from the permits, don't exempt it from judicial review, don't strip jurisdiction away from my hometown court and give it to another court.

I was never consulted about this. My constituents feel very, very passionately. Their land is being taken for this. The only way you build pipelines is to take people's land, and this is 100 miles in Virginia of people's land being taken, and this body should not greenlight a project and exempt it from permitting rules in a bill that we are saying is designed to improve permitting.

I yield the floor.

#### VOTE ON MORA NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Mora nomination?

Mr. MENENDEZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior executive clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. HICKENLOOPER) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR) and the Senator from Texas (Mr. CRUZ).

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 391 Ex.]

#### YEAS—51

Baldwin	Heinrich	Paul
Bennet	Hirono	Peters
Blumenthal	Kaine	Reed
Booker	Kelly	Rosen
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Lujan	Sinema
Casey	Manchin	Smith
Collins	Markey	Stabenow
Coons	Menendez	Tester
Cortez Masto	Merkley	Van Hollen
Duckworth	Murkowski	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden

#### NAYS—45

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Blunt	Hawley	Rounds
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	Lummis	Tillis
Daines	Marshall	Toomey
Ernst	McConnell	Tuberville
Fischer	Moran	Wicker
Graham	Portman	Young

#### NOT VOTING—4

Burr	Hickenlooper
Crux	Sanders

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The Senator from Ohio.

Mr. BROWN. Madam President, it is always an honor to speak on the Senate floor, and it is especially an honor when the Presiding Officer is one of my favorite Members of the Senate and especially an honor when I am going to be followed by the other Senator from Ohio, about whom I spoke yesterday.

#### SENATE ACCOMPLISHMENTS

Madam President, I think we can agree that we had a very productive 23 months in this session of the U.S. Sen-

ate. Democrats passed the Inflation Reduction Act, which will lower prescription drug costs, which will combat climate change, and which will hold corporations accountable when they reward CEOs at the expense of workers.

We worked together on a bipartisan basis, and I worked with my colleague Senator PORTMAN to pass a historic infrastructure bill. Presidents of both parties promised it, and we finally got it done, starting last year, with a new President and a new Senate. It means moving forward on projects Americans need, like the Brent Spence Bridge, which is in Senator PORTMAN's community on the other end of my State. It connects my State to Leader McCONNELL's State. The Brent Spence Bridge—they say something like 3 percent of GDP crosses over that bridge every single day.

Senator PORTMAN and I also worked together to make sure that we had strong "Buy American" language—the strongest ever "Buy American" language. We teamed up because we know the jobs that creates in my State.

We passed the PACT Act, again bipartisan, the most comprehensive expansion of benefits for veterans who faced toxic exposure in our country's history.

Senator TESTER, who sits just two seats away from me here and who came to the Senate with me—Senator TESTER from Montana chairs the Veterans' Affairs Committee. I will be, next year, the second-most senior member of that committee. We wrote that bill together. I give more credit to Senator TESTER, but we worked together. It is the most comprehensive expansion of benefits.

I have been in 15 Ohio counties since that bill passed talking to people. If you are diagnosed as a veteran with one of the 23 illnesses this bill spells out and you were exposed to these football field-sized burn pits in Iraq or Afghanistan, you automatically will get coverage in the Cleveland VA or Dayton or Cincinnati or Chillicothe or in one of the community-based clinics in Zanesville or Mansfield or Parma.

After decades of inaction, we passed the first meaningful legislation on gun safety in decades, which will help make our schools and communities a bit safer.

This summer—again, bipartisan, with Senator PORTMAN and others—we passed the CHIPS and Science Act, which is already helping to reshore semiconductor manufacturing in the United States.

Earlier today, I was with a number of people from Intel, the company that is going to have a huge expansion. That company has promised, when they hire 5,000 workers—which they have already started to do the construction of the Intel manufacturing plant—that they are hiring a lot of so-called PLA, which means they will hire union workers.

And in the worst depths—and this is what I want to talk about in more detail. Sorry for the long lead-in.